



03-17-05

DAE ⁷⁷⁴

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group: 1651

Attorney

Docket: 12905

Applicant: Tacon *et al.*

Title: Shaped Microparticles for
Pulmonary Drug Delivery

Serial No.: 10/020,464

Filed: November 30, 2001

Examiner: Naff, David M.

Certificate Under 37 CFR § 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, Box 1450, Alexandria, VA 22313-1450 as "Express Mail Post Office to Addressee".

on 3-16-2005

Judy Readman
Judy Readman

ED 277297311 US
Mailing Label No.

PETITION TO REVIVE APPLICATION UNINTENTIONALLY ABANDONED

Commissioner for Patents
Box 1450
Alexandria, VA 22313-1450

Sir:

1. Pursuant to 37 C.F.R. § 1.137(b), Applicants hereby petition for the revival of the abovecaptioned Application.

2. In an Office Action dated June 16, 2004, the Examiner imposed a Restriction Requirement and set a shortened statutory period to reply of one month. Thus, the period for reply, with extensions, was set to expire December 16, 2004.

3. In an Office Action dated January 7, 2005, the Examiner mailed a Notice of Abandonment stating: "No reply has been received."

03/18/2005 MAHHED1 00000082 10020464

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4. Applicants hereby state that the entire delay in filing the accompanying Reply from the due date for the reply until the filing of this Petition was unintentional.

5. Included herewith, Applicants submit the required Reply to the above-mentioned Restriction Requirement.

6. Pursuant to 37 C.F.R. § 1.17(m), a fee of \$750.00 (small entity) is due. Applicants enclose herewith a credit card authorization form PTO-2038 for \$750.00 for the abovementioned fee. Please charge any additional fees, or credit any overpayments in connection with the Petition to Applicants' undersigned counsel's Deposit Account 021266. A duplicate copy of this authorization is also enclosed.

Respectfully submitted,



William B. Richards, Esq.
Reg. No. 44,301
Attorney for Applicants

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Effective on 12/08/2004.

As provided to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL
For FY 2005☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 750.00

Complete if Known

Application Number	10/020,464
Filing Date	11-30-2001
First Named Inventor	Tracon et al.
Examiner Name	Dabvid M. Naff
Art Unit	1651
Attorney Docket No.	12905

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☒ Deposit Account Deposit Account Number: 021266 Deposit Account Name: Battelle Memorial Institut

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 (including Reissues)	50	25
Each independent claim over 3 (including Reissues)	200	100
Multiple dependent claims	360	180
Total Claims	Extra Claims	Fee (\$)
- 20 or HP = _____ x _____ = _____		
HP = highest number of total claims paid for, if greater than 20.		
Indep. Claims	Extra Claims	Fee (\$)
- 3 or HP = _____ x _____ = _____		
HP = highest number of independent claims paid for, if greater than 3.		

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition to Revive Unintentionally Abandoned Application 750.00**SUBMITTED BY**

Signature	<u>William B. Richards</u>	Registration No. (Attorney/Agent) 44,301	Telephone 614-424-5612
Name (Print/Type)	William B. Richards		Date 03-16-2005

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.